

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

No. 5:05-CR-207

UNITED STATES OF AMERICA

v.

MICHAEL JUSTIN SMITH  
Defendant.

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ORDER

This matter is before the court on Defendant's Motion to Defer Payment Schedule [DE-57] of his court ordered criminal monetary penalties. On May 18, 2006, Defendant was sentenced to imprisonment for a term of 180 months for violation of 18 U.S.C. § 922(g)(1) and ordered to pay a fine of \$8,200.00 and a special assessment fee of \$100.00. Defendant contends that he is currently an inmate in prison who has no means to pay \$8,300.00 immediately. Consequently, Defendant requests that the court defer his payment of fine and special assessment fee until he is on supervised release. Defendant further asks the court to base this payment on his employment earnings.


The judgment for the Defendant imposing the sentence does specify that any criminal monetary penalties are due immediately. However, because Defendant was unable to pay the full amount of these monetary penalties immediately, the Bureau of Prisons Inmate Financial Responsibility Program provided a method to enable Defendant to comply with the court's judgment during the period of his incarceration. The Bureau of Prisons calculates the manner in which Defendant may best participate in the Program based on the amount of the criminal

monetary penalties and Defendant's ability to pay. The Bureau of Prisons assesses Defendant's ability to pay based on the funds in his inmate account.

Accordingly, Defendant's Motion to Defer Payment Schedule [DE-57] is DENIED.

SO ORDERED.

This, the 22nd day of November, 2010.

  
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JAMES C. FOX  
Senior United States District Judge